

Amendments to the Drawing:

Applicants have amended Figure 1 to include the legend Prior Art. One replacement sheet is attached.

REMARKS

With the cancellation of claim 9, claims 1-8 and 10-21 are now pending in the above-referenced application and are submitted for the Examiner's reconsideration.

With respect to the drawing objection, Applicants submit that it has been obviated by the attached amended drawing sheet.

On account of this application having been amended to claim the benefit under Section 120 of the Laermer reference, the Section 102 rejections should be withdrawn, as the effective filing date of the present application now is the same as that of the Laermer reference, and therefore the Laermer reference no longer is "before" the subject matter of the claims here. The conditions set in Section 120 for qualifying as a continuation are all met here: the present application and the Laermer reference share a common inventor, are believed to have common subject matter, meet the copendency requirement, and the present application includes the reference to the prior filed application (now United States Patent No. 6,720,268). Accordingly withdrawal of the Section 102 rejections based on Laermer is requested.

This is also a Petition under Rule 1.78(a)(3) to accept this claim to priority under Section 120. The delay in making this claim was unintentional, and the Patent Office is authorized to charge Deposit Account No. No. 11-0600 the surcharge of 37 C.F.R 1.17(t) and any other required fee or surcharge.

As for the Section 103(a) rejections based on Laermer, Applicants submit that these rejections are inappropriate because under Section 103(c) a patent that is commonly owned with the patent application cannot be used to rejection the claims of the application under Section 103(a), provided the patent qualifies as prior art only under subsections (e), (f), or (g) of Section 102. In this instance, the present application and United States Patent No. 6,720,268 were, at the time the invention of the present application was made, owned by Robert Bosch GmbH. See MPEP at Section 706.02(1)(1)-(3). Accordingly, since under Section 103(c) Laermer cannot be used to reject the claims under Section 103(a), withdrawal of the Section 103(a) rejections based on Laermer is requested.

As for the rejection of claim 7 in view of O'Neill, Applicants have amended this claim to include the subject matter of claim 9, which is not taught by O'Neill. Accordingly, withdrawal of this rejection is requested.

As for the obviousness-type double-patenting rejection of claim 2, this rejection is obviated by the Terminal Disclaimer submitted herewith.

It is respectfully submitted that the subject matter of the present application is new, non-obvious, and useful. Prompt consideration and allowance of the application are respectfully requested.

Respectfully submitted,

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